

2554-9  
FA1535J/USNixon & Vanderhye P.C. (10/99)  
(Domestic Non-Assigned/Foreign) Page 1

**RULE 63 (37 C.F.R. 1.63)**  
**INVENTORS DECLARATION FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**NOVEL AMIDE DERIVATIVES AS GROWTH HORMONE SECRETAGOGUES**

the specification of which (check applicable box(es)):

☐ is attached hereto

☒ was filed on

as U.S. Application Serial No. 09/913,722 (Atty Dkt. No. 2554-9)

☒ was filed as PCT International application No.

PCT/US00/04001

on 17 February 2000

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

**Application Number**  
09/251,734

**Country**  
UNITED STATES

**Day/Month/Year Filed**  
18 February 1999

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

**Application Number**

**Date/Month/Year Filed**

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below:

**Prior U.S./PCT Application(s):**  
**Application Serial No.**

PCT/US00/04001  
09/251,734

**Day/Month/Year Filed**

17 February 2000  
18 February 1999

**Status: patented**  
**pending, abandoned**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby appoint **NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed)**, and the following attorneys thereof (of the same address) individually and collectively owner's/owners' attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Larry S. Nixon, 25640; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffrey H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr., 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097. I also authorize Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions directly communicated from the person, assignee, attorney, firm, or other organization sending instructions to Nixon & Vanderhye on behalf of the owner(s).

- Inventor's Signature: Nobuo Ishiyama Date: December 10, 2001  
Inventor: Nobuo ISHIYAMA Japan  
(first) (last) (citizenship)  
Residence: (city) Kyoto (state/country) Japan  
Mailing Address: c/o Central Research Institute, KAKEN PHARMACEUTICAL CO., LTD., 14, Shinomiya Minami Kawahara-cho, Yamashina-Ku, Kyoto-shi, Kyoto, Japan  
(Zip Code) 607-8042
- Inventor's Signature: Hirohide Ishige Date: December 10, 2001  
Inventor: Hirohide ISHIGE Japan  
(first) (last) (citizenship)  
Residence: (city) Kyoto (state/country) Japan  
Mailing Address: c/o Central Research Institute, KAKEN PHARMACEUTICAL CO., LTD., 14, Shinomiya Minami Kawahara-cho, Yamashina-Ku, Kyoto-shi, Kyoto, Japan  
(Zip Code) 607-8042

☒ See attached sheet(s) for additional inventor(s) information!!

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ISHIYAMA et al.

Atty. Ref.: 2554-9

Serial No. 09/913,722

Group:

Filed:

Examiner:

For: NOVEL AMIDE DERIVATIVES AS GROWTH HORMONE  
SECRETAGOGUES

\* \* \* \* \*

December 17, 2001

Assistant Commissioner for Patents  
Washington, DC 20231

RECEIVED  
28 DEC 2001  
International Division

Sir:

**SUBMISSION OF PROOF OF LEGAL  
REPRESENTATIVE UNDER 37 C.F.R. § 1.42**

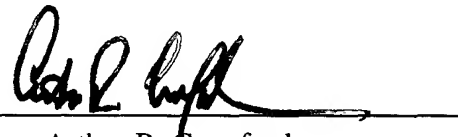
Inventor Gilda H. Loew is deceased. The inventors' declaration under Rule 63 is executed by her legal representative Linda Joyce Maki, designated by Dr. Loew's Last Will and Testament as the Trustee with legal authority for Dr. Loew's estate.

Attached please find documenting support of proof of authority for Dr. Maki.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Arthur R. Crawford

Reg. No. 25,327

ARC:pfc  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

3. Inventor's Signature: Mitsuo Mimura Date: December 10, 2001  
Inventor: Mitsuo MIMURA Japan  
(first) (last) (citizenship)  
Residence: (city) Kyoto (state/country) Japan  
Mailing Address: c/o Central Research Institute, KAKEN PHARMACEUTICAL CO., LTD., 14, Shinomiya Minami Kawahara-cho,  
Yamashina-Ku, Kyoto-shi, Kyoto, Japan  
(Zip Code) 607-8042
4. Inventor's Signature: Tadashi Okuno Date: December 10, 2001  
Inventor: Tadashi OKUNO Japan  
(first) (last) (citizenship)  
Residence: (city) Kyoto (state/country) Japan  
Mailing Address: c/o Central Research Institute, KAKEN PHARMACEUTICAL CO., LTD., 14, Shinomiya Minami Kawahara-cho,  
Yamashina-Ku, Kyoto-shi, Kyoto, Japan  
(Zip Code) 607-8042
5. Inventor's Signature: Kiyoharu Ukai Date: December 10, 2001  
Inventor: Kiyoharu UKAI Japan  
(first) (last) (citizenship)  
Residence: (city) Kyoto (state/country) Japan  
Mailing Address: c/o Central Research Institute, KAKEN PHARMACEUTICAL CO., LTD., 14, Shinomiya Minami Kawahara-cho,  
Yamashina-Ku, Kyoto-shi, Kyoto, Japan  
(Zip Code) 607-8042
6. Inventor's Signature: Takeshi Kiyofuji Date: December 10, 2001  
Inventor: Takeshi KIYOFUJI Japan  
(first) (last) (citizenship)  
Residence: (city) Kyoto (state/country) Japan  
Mailing Address: c/o Central Research Institute, KAKEN PHARMACEUTICAL CO., LTD., 14, Shinomiya Minami Kawahara-cho,  
Yamashina-Ku, Kyoto-shi, Kyoto, Japan  
(Zip Code) 607-8042
7. Inventor's Signature: Shinji Tauchi Date: December 10, 2001  
Inventor: Shinji TAUCHI Japan  
(first) (last) (citizenship)  
Residence: (city) Shizuoka (state/country) Japan  
Mailing Address: c/o Central Research Institute, KAKEN PHARMACEUTICAL CO., LTD., 301, Gensuke, Fujieda-shi, Shizuoka,  
Japan  
(Zip Code) 426-8646
8. Inventor's Signature: Kiyoshi Inoguchi Date: 12/10/01  
Inventor: Kiyoshi INOBUCHI Japan  
(first) (last) (citizenship)  
Residence: (city) Kyoto (state/country) Japan  
Mailing Address: c/o Central Research Institute, KAKEN PHARMACEUTICAL CO., LTD., 14, Shinomiya Minami Kawahara-cho,  
Yamashina-Ku, Kyoto-shi, Kyoto, Japan  
(Zip Code) 607-8042
9. Inventor's Signature: Ping Huang Date: 12/12/01  
Inventor: Ping HOANG China P.H.  
(first) (last) (citizenship)  
Residence: (city) Mountain View (state/country) California  
Mailing Address: Molecular Research Institute, 2495 Old Middlefield Way, Mountain View, California  
(Zip Code) 94043
10. Inventor's Signature: Gilda J. maki Date: 11-7-01  
Inventor: Gilda LOEW (deceased) United States  
(first) (last) (citizenship)  
Residence: (city) Mountain View (state/country) California  
Mailing Address: Molecular Research Institute, 2495 Old Middlefield Way, Mountain View, California  
(Zip Code) 94043

FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet with same information and signature and date for each.

**FIRST AMENDMENT TO THE  
AMENDED AND RESTATED  
GILDA LOEW 1991 TRUST**

This Amendment is made on the date set forth below, by and between Gilda Loew and as Settlor, and Gilda Loew as Trustee.

**RECITALS**

A. The Settlor and the Trustee executed a written trust agreement known as the AMENDED AND RESTATED GILDA LOEW 1991 TRUST on June 26, 2000, hereinafter referred to as the "Trust Agreement".

B. Section 1-7.2 of the Trust Agreement provides that the Settlor may amend the Trust Agreement at any time during her lifetime by a written instrument signed by the Settlor and delivered to the Trustee.

C. The Settlor and Trustee hereby desire that by placing their signature to this instrument that the Trust Agreement be effectively amended as contained herein and that the Trustee receive delivery thereof.

D. The Trustee does hereby accept the terms of this instrument and agree to follow the terms and provisions of this amendment as though said terms and provisions were an original part of the Trust Agreement.

NOW, THEREFORE, the parties do hereby agree as follows:

**AGREEMENT**


1. All provisions of the Trust Agreement which contain a reference to Linda Joyce Maki Groom shall be amended to read and deemed to refer to Linda Joyce Maki. The Settlor intends that this change of name be deemed applicable to all documents related to the Trust

Agreement, including without limitation, trust transfer documents of the Settlor's assets, Will, etc., all of which should be interpreted accordingly.

2. Except as hereby amended, the Trust Agreement and all of the provisions thereof not in conflict with the amendments contained herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the Settlor does hereby affix her signature on this 16 day of May, 2000.

SETTLOR

  
Gilda Loew

I hereby certify that I have read the foregoing First Amendment to the Trust Agreement, and that I agree to the terms and conditions under which the trust estate is to be held, managed and disposed of by the Trustee and by my signature evidence delivery and acceptance of this document.

TRUSTEE

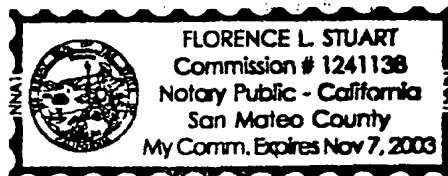
  
Gilda Loew

STATE OF CALIFORNIA       )  
  ) ss:  
COUNTY OF SANTA CLARA )

On May 14, 2000, before me, Florence L. Stuart Notary Public, personally appeared Gilda Loew, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Florence L. Stuart  
Notary Public



## MEMORANDUM OF TRUST

THIS MEMORANDUM OF TRUST is entered into this 12/1/2000 day of \_\_\_\_\_, 2000, by and between Gilda Loew, as Settlor, and Gilda Loew, as Trustee.

### WITNESSETH:

The Settlor has conveyed, transferred, assigned, and/or delivered to the Trustee by appropriate instruments, duly executed and absolute in form, certain property, which property, together with any other property which may hereafter be transferred to the Trustee hereunder, or of which the Trustee may be designated a beneficiary, is designated as the "Trust Estate". The Trustee, or her successor, shall hold, manage, and distribute the Trust Estate exclusively for the uses, purposes, and objectives set forth in that unrecorded Trust Agreement, executed on April 1, 1991, between the Settlor and the Trustee, and amended and restated in its entirety on 12/1/2000, 2000; and, the terms, provisions, conditions, powers, and limitations of said Trust Agreement as amended and restated are incorporated herein by reference and made a part hereof as though set forth in full. Said Trust Agreement is fully revocable during the lifetime of the Settlor. Upon the death of the Settlor, the Trust Agreement becomes irrevocable.

### PART ONE

#### The Trust.

The Trust shall be known as the Gilda Loew 1991 Trust.

### PART TWO

#### The Trustee.

The Settlor shall be the original Trustee and while she is living or until a successor Trustee is acting pursuant to the provisions hereof, she shall be authorized to execute any and all documents on behalf of the Trust.

Successor Trustee.

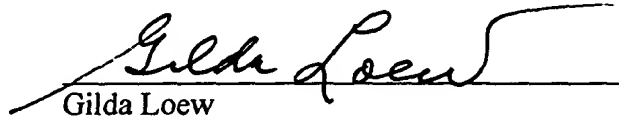
On the incapacity, resignation, or death of the Settlor, Linda Joyce Maki Groom shall serve as sole successor Trustee. If Linda Joyce Maki Groom shall be unable or unwilling to serve as Trustee for any reason whatsoever, George Emanuel Loew shall serve as sole successor Trustee. If George Emanuel Loew shall be unable or unwilling to serve as Trustee for any reason whatsoever, Paul Willard Maki shall serve as sole successor Trustee.

PART THREE

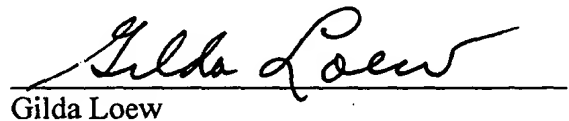
The provisions of the Trust regarding jurisdiction, powers and duties of the Trustee, perpetuities and other provisions of the Trust are set forth on Exhibit "A" consisting of pages 3-1 to 3-17, inclusive, which Exhibit "A" is attached hereto and incorporated herein.

Executed at San Jose, California, this 26 day of January, 2000.

SETTLOR

  
Gilda Loew

TRUSTEE

  
Gilda Loew



STATE OF CALIFORNIA                    )  
  ) ss:  
COUNTY OF SANTA CLARA            )

On JANUARY 26, 2000, before me, Michael E. Custer,  
Notary Public, personally appeared Gilda Loew, personally known to me (or proved to me on  
the basis of satisfactory evidence) to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the  
within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in  
~~his~~/her/~~their~~ authorized capacity~~(ies)~~, and that by ~~his~~/her/~~their~~ signature~~(s)~~ on the instrument  
the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

WITNESS my hand and official seal.

Michael E. Custer  
Notary Public

